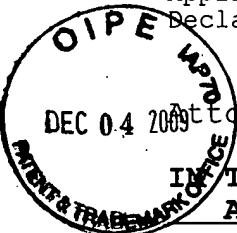


Application No. 10/574,294
Declaration under 37 CFR 1.132

Customer No. 01933



Attorney Docket No. 06156/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): Hiroshi HOCHI

Serial No. : 10/574,294

Confirm. No.: 7049

Filed : March 31, 2006

For : DISPOSABLE WIG

Art Unit : 3732

Examiner : RACHEL RUNNING STEITZ

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

I, Hiroshi Hochi, willfully declare as follows:

1. I am the inventor of the above-identified patent application.

2. I am familiar with the specification and claims of the present application.

3. I am aware of the ongoing prosecution in the present application. I am also aware that an Office Action has been issued in the present application rejecting the claims based on obviousness in view of certain references.

4. The disposable wig of independent claim 4 of the present invention is marketed and sold in Japan under the trademark "Hair

Express Mail Mailing Label
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Date of Deposit: December 4, 2009

I hereby certify the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Barbara Villani

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by credit card payment, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

Contact." The "Hair Contact" product being sold includes all the features recited in independent claim 4.

5. The aim of the presently claimed invention as embodied in the "Hair Contact" product was to develop a disposable wig which could be used naturally, easily and readily on any part of the scalp by anyone suffering from hair loss due to natural causes, injuries, burns, etc., and could not find any other optimal ways of alleviating their problem.

6. The "Hair Contact" product embodying the presently claimed invention can be used not only for increasing an amount of hair but also for providing different hairstyles, because unlike wigs and hair growth methods, the "Hair Contact" product is natural and easy to use.

7. Since its release on the market in Japan, the "Hair Contact" product has enjoyed great commercial success.

8. Actual yearly sales figures in Japan for products embodying the presently claimed invention are as follows:

2008 - 422,950,112 yen

2007 - 891,552,088 yen

2006 - 1,419,903,552 yen

2005 - 3,594,846,324 yen

2004 - approximately 1,050,000,000 yen

2003 - approximately 980,000,000 yen

The total amount of sales from 2003 to the present is approximately 10 billion yen (over \$100 million).

9. In my opinion, the commercial success of the products embodying the presently claimed invention is strong evidence of the nonobviousness of the claims of the present invention.

* * * * *

The statements in the preceding paragraphs are substantiated by the following exhibits submitted concomitantly herewith:

Exhibit 1:

The "Hair Contact" product appeared in the book The Best Sold 30 from Japan (Research of the Hit Production Institute, Nana•Corporate•Communications Inc.). The book highlights 30 different carefully selected products from among eye-catching products that have enjoyed great commercial success inside and outside of Japan starting from 1980. See the four colored pages and the Table of Contents at pages 4-8 in the book. The "Hair Contact" product appears on pages 183-187 of the book. The book has showcased the "Hair Contact" product embodying the presently claimed invention to be in the same rank as other world renowned and commercially successful products such as, the Casio G-shock™ watch (pages 63-67), and the Sony PlayStation™ video game console (pages 117-121.)

The "Hair Contact" product embodying the presently claimed invention has thus achieved great commercial success.

Exhibit 2:

A DVD of a broadcast program from the Discovery Channel™ showcasing the "Hair Contact" product. Color photographs of what is depicted in the DVD are also submitted herewith.

Exhibit 3:

An English language catalog of the "Hair Contact" product.

* * * * *

It is respectfully submitted that the aforesaid exhibits establish a strong showing of commercial success as a secondary consideration of patentability for the presently claimed invention.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: November 30 2009

By: Hiroshi Hochi

Hiroshi Hochi
Propia Co., Ltd.